

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

DR. RICARDO VASQUEZ,

Plaintiff,

V.

INDIANA UNIVERSITY HEALTH, INC.,  
INDIANA UNIVERSITY HEALTH  
BLOOMINGTON, INC., d/b/a IU  
HEALTH BLOOMINGTON HOSPITAL,  
and DR. DANIEL HANDEL,

Defendants.

Cause No. 1:21-CV-1693-JMS-MG

**DEFENDANTS' MOTION FOR ORAL ARGUMENT UNDER S.D. IND. L.R. 7-5(a)**

Pursuant to Local Rule 7-5(a), Defendants Indiana University Health, Inc., Indiana University Health Bloomington, Inc., d/b/a IU Health Bloomington Hospital, and Dr. Daniel Handel (collectively, “IU Health”) respectfully request oral argument on IU Health’s motion to dismiss and the parties’ accompanying briefing. In support of this motion, IU Health respectfully states as follows:

1. On August 10, 2021, IU Health filed a motion to dismiss Plaintiff Dr. Ricardo Vasquez’s (“Vasquez”) Complaint, along with a brief in support of that motion. Filing Nos. 12, 13. On August 31, 2021, Vasquez filed an opposition to IU Health’s motion. Filing No. 19. And on September 7, 2021, IU Health filed a reply in support of its motion. Filing No. 20.

2. IU Health believes oral argument on its motion to dismiss would be helpful to the Court in this case for two reasons. *First*, Vasquez’s Complaint purports to raise two antitrust claims (Counts I and II). IU Health requests the opportunity to explain why those claims can be disposed of on straightforward, threshold grounds, as well as to answer any questions the Court

might have. *Second*, Vasquez's opposition reframes several allegations and issues in ways that, in IU Health's view, are inconsistent with his complaint. This reframing includes Vasquez's theory of injury for his Clayton Act § 7 claim (Count II), as well as his theory of accrual for his Indiana law defamation claim (Count IV). IU Health believes that the Court would benefit from hearing both parties present argument, so that it may obtain clarity on these and other issues.

3. IU Health therefore requests an opportunity to present oral argument for no more than one hour (divided between the parties) on its motion to dismiss.

4. This motion is made in good faith and is not intended to hinder or delay this matter.

5. IU Health has conferred with counsel for Vasquez, and they have no objection to IU Health's request for oral argument.

### **CONCLUSION**

Defendants respectfully request oral argument on the motion to dismiss.

Dated: September 7, 2021

Respectfully submitted,

/s/ Brian K. Grube

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/s/ Norris Cunningham

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*Counsel for Defendants Indiana University  
Health, Inc., Indiana University Health  
Bloomington, Inc., d/b/a IU Health Bloomington  
Hospital, and Dr. Daniel Handel*

**CERTIFICATE OF SERVICE**

I certify that on September 7, 2021 a copy of the foregoing was filed electronically through the Court's CM/ECF system. Service of this filing will be made on all registered counsel.

/s/ Brian K. Grube  
Brian K. Grube